

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

NGOC MANH NGUYEN,
a/k/a "Peter Nguyen,"

Defendant.

No. 1:20-mj-12908-UA

[Proposed] Order

WHEREAS, on December 10, 2020, Defendant Ngoc Manh Nguyen ("Defendant") was arraigned on charges set forth in an indictment filed in the Eastern District of New York, Case No. 2:20-cr-00486-JS-AYS (the "EDNY Action"), and an Order of Detention Pending Trial was entered as to Defendant by the Honorable Anne Y. Shields (EDNY Action, ECF No. 15)¹; and

WHEREAS, on February 4, 2021, Defendant made an initial appearance in this action (the "SDNY Action"), and an order was entered by the Honorable James L. Cott requiring Defendant to remain in detention on consent, without prejudice (SDNY Action, ECF No. 16); and

WHEREAS, in the EDNY Action, on February 8, 2021, the Honorable Joanna Seybert entered an Order Setting Conditions of Release and Appearance Bond (EDNY Action, ECF No. 40), in which Defendant was released from custody and a bail condition of home incarceration was imposed, among other conditions; and

WHEREAS, in the SDNY Action, on or about February 8, 2021, Defendant was granted an appearance bond subject to the same conditions as the February 8, 2021 Order Setting Conditions of Release and Appearance Bond entered in the EDNY Action; and

¹ The caption of the EDNY Action identifies Defendant as "Manh Ngoc Nguyen, also known as 'Peter.'"

WHEREAS, in the EDNY Action, on May 18, 2021, the Honorable Joanna Seybert entered an order modifying Defendant's bail condition of home incarceration to home detention, with the consent of the Government (EDNY Action, ECF No. 52); and

WHEREAS, in the SDNY Action, Defendant has now applied for an order modifying his bail condition of home incarceration to home detention; and

WHEREAS, the Government also consents to Defendant's application for an order modifying his bail condition of home incarceration to home detention in the SDNY Action;

UPON consideration of Defendant Ngoc Manh Nguyen's application for an order modifying his bail condition of home incarceration to home detention, it is

ORDERED that Defendant's application is **GRANTED**, and the conditions of Defendant's release reflected in the February 8, 2021 Order Setting Conditions of Release and Appearance Bond (EDNY Action, ECF No. 40), which also apply to Defendant's appearance bond in the SDNY Action, are modified as follows:

1. Defendant's bail condition of home incarceration reflected in the February 8, 2021 Order Setting Conditions of Release and Appearance Bond is vacated.
2. Defendant will remain under the supervision of the Pretrial Services Agency, subject to Pretrial Services' location restriction program of home detention with location monitoring. Defendant is restricted to his home at all times, except for:
 - a. Attorney visits, court appearances, and necessary medical treatment;
 - b. Defendant's employment at Victoria's Nail and Spa, 524 Broadway Mall, Hicksville, New York 11801 on Thursday, Friday, and Saturday from 12:00 p.m. Eastern Time to 6:00 p.m. Eastern Time, provided that


Defendant is forbidden from communicating with any individuals the Government has identified as alleged victims;

- c. Defendant's employment providing construction-related services at two properties, located at (i) 68 Thorman Ave, Hicksville, New York 11801, and (ii) 21 Rochelle Tr., Farmingville, New York 11738, on Monday, Tuesday, and Wednesday from 12:00 p.m. Eastern Time to 6:00 p.m. Eastern Time, provided that Defendant is forbidden from communicating with any tenants residing at the two properties.

- 3. All other conditions of Defendant's release reflected in the February 8, 2021

Order Setting Conditions of Release and Appearance Bond remain in place, including those pertaining to co-defendant(s), co-conspirator(s), and/or employees of Defendant's nail salons.

Dated: New York, New York
May 20, 2021, 2021



HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

EXHIBIT B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ **MAY 18 2021** ★

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

-against-

**MANH NGOC NGUYEN, also known as
"Peter,"**

Defendant.

Criminal Action

No. 2:20-cr-00486-JS-AYS

~~Proposed~~ Order

WHEREAS, on February 8, 2021, the Court entered an Order Setting Conditions of Release and Appearance Bond (ECF No. 40), in which Defendant Manh Ngoc Nguyen ("Defendant") was released from custody and a bail condition of home incarceration was imposed, among other conditions; and

WHEREAS, Defendant has applied for an order modifying his bail condition of home incarceration to home detention; and

WHEREAS, the Government consents to Defendant's application for an order modifying his bail condition of home incarceration to home detention;

UPON consideration of Defendant Manh Ngoc Nguyen's application for an order modifying his bail condition of home incarceration to home detention, it is

ORDERED that Defendant's application is **GRANTED**, and the February 8, 2021 Order Setting Conditions of Release and Appearance Bond (ECF No. 40) is modified as follows:

1. The portion of the February 8, 2021 Order Setting Conditions of Release and Appearance Bond that imposes a bail condition of home incarceration upon Defendant is vacated.

2. Defendant will remain under the supervision of the Pretrial Services Agency, subject to Pretrial Services' location restriction program of home detention with location monitoring. Defendant is restricted to his home at all times, except for:

- a. Attorney visits, court appearances, and necessary medical treatment;
- b. Defendant's employment at Victoria's Nail and Spa, 524 Broadway Mall, Hicksville, New York 11801 on Thursday, Friday, and Saturday from 12:00 p.m. Eastern Time to 6:00 p.m. Eastern Time, provided that Defendant is forbidden from communicating with any individuals the Government has identified as alleged victims;
- c. Defendant's employment providing construction-related services at two properties, located at (i) 68 Thorman Ave, Hicksville, New York 11801, and (ii) 21 Rochelle Tr., Farmingville, New York 11738, on Monday, Tuesday, and Wednesday from 12:00 p.m. Eastern Time to 6:00 p.m. Eastern Time, provided that Defendant is forbidden from communicating with any tenants residing at the two properties.

3. All other provisions of the February 8, 2021 Order Setting Conditions of Release and Appearance Bond remain in place, including those pertaining to co-defendant(s), co-conspirator(s), and/or employees of Defendant's nail salons.

Dated: Central Islip, New York

5/18/ 2021



HONORABLE JOANNA SEYBERT
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

**ORDER SETTING CONDITIONS
OF RELEASE AND APPEARANCE BOND**

-against-

20 - cr - 0486-002 (JS) (AYS)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
FEB 08 2021 ★

LONG ISLAND OFFICE

Manh Ngoc Nguyen, Defendant

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, subject to the Standard Conditions of Bond on the reverse and as follows:

- ☐ Upon Personal Recognizance Bond on his/her promise to appear at all scheduled proceedings as required, or
☒ Upon Bond executed by defendant in the amount of \$ 3,500,000.00, and
 secured by ☒ financially responsible sureties listed below and/or ☒ collateral set forth below.

Additional Conditions of Release

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

- ☒ 1. The defendant must remain in and may not leave the following areas without Court permission: ☒ New York City; ☒ Long Island, NY;
☐ New York State; ☐ New Jersey; ☐ _____ and travel to and from Court and the permitted areas.
- ☒ 2. The defendant shall avoid all contact with the following persons or entities:
Any co-defendant(s), co-conspirator(s), and/or any employees of the nail salons.
- ☐ 3. The defendant must avoid and not go to any of the following locations: _____
- ☒ 4. The defendant must surrender all passports to Pretrial Services by immediately and not obtain other passports or international travel documents.
- ☒ 5. Defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
- ☒ a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;
- ☒ b. must report ☒ as directed by Pretrial Services or ☐ in person _____ times per _____ and/or ☐ by telephone _____ times per _____;
- ☐ c. must undergo ☐ testing, ☐ evaluation, and/or ☐ treatment for substance abuse, including alcoholism, as directed by Pretrial Services;
- ☐ d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
- ☒ e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
- ☒ home incarceration: restricted to home at all times, except for attorney visits, court appearances, and necessary medical treatment;
- ☐ home detention: restricted to home at all times, except for attorney visits, court appearances, necessary medical treatment, ☐ religious services;
- ☐ employment, ☐ school or training, ☐ other activities approved by Pretrial Services, ☐ _____;
- ☐ curfew: restricted to home every day from _____ to _____, or ☐ as directed by Pretrial Services.
- ☐ f. Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring by with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/or from available insurance.
- ☐ 6. Other Conditions: _____

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond, and have either read all other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$ 3,500,000.00 and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

☐ cash deposited in the Registry of the Court the sum of \$ _____;

☒ premises located at: SEE ATTACHMENT owned by _____

☒ I also agree to execute a confession of judgment, mortgage, or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 2/12/2021.

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

Surety Address: SEE ATTACHMENT Date: _____
 City and State, ONLY

Surety Address: _____ Date: _____
 City and State, ONLY

Surety Address: _____ Date: _____
 City and State, ONLY

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

Release of the Defendant is hereby ordered on 2/8/2021

/s/ Manh Ngoc Nguyen (acknowledged via video)
 Signature of Defendant

Joanna Seybert, Senior US District Judge

STANDARD CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the Court, the Pretrial Services office, defense Counsel and the U.S. Attorney in writing before making any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender for service of any sentence imposed as directed.
- (5) The defendant must refrain from use or unlawful possession of a narcotic drug or other controlled substances as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (6) If the defendant fails to report as required to the Pretrial Services Agency, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
- (7) The defendant must not possess a firearm, destructive device, or other weapon.

SPECIAL CONDITIONS OF RELEASE FOR TESTING, TREATMENT OR EVALUATION AND FOR LOCATION MONITORING

1. If the defendant fails to appear for any specified treatment or evaluation, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
2. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, as determined by Pretrial Services.
3. If defendant is subject to a location restriction program or location monitoring, defendant must:
 - (a) stay at his/her residence at all times except for approved activities and may not leave for approved activities without providing prior notice to Pretrial Services, except in cases of medical emergencies.
 - (b) abide by all program requirements and instructions provided by Pretrial Services relating to the operation of monitoring technology. Unless specifically ordered by the court, Pretrial Services may require use of one of the following or comparable monitoring technology: Radio Frequency (RF) monitoring; Passive Global Positioning Satellite (GPS) monitoring; Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS); Voice Recognition monitoring.

FORFEITURE OF THE BOND

This appearance bond may be forfeited if the defendant does not comply with the conditions of release set forth in this Order Setting Conditions of Release and Bond. The court may immediately order the amount of the bond and any Collateral surrendered to the United States if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

RELEASE OF THE BOND

This appearance bond may be terminated at any time by the Court. This bond will be satisfied, and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT

Defendant is advised that violating any of the foregoing conditions of release may result in the immediate issuance of a warrant of arrest, a revocation of the order of release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if defendant commits a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence defendant may receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, defendant knowingly fails to appear as the conditions of release require, or to surrender to serve a sentence, defendant may be prosecuted for failing to appear or surrender and additional punishment may be imposed, whether or not the defendant is convicted of the pending charges. If defendant is convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more - defendant will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years - defendant will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony- defendant will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor - defendant will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence imposed. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**ORDER SETTING CONDITIONS
OF RELEASE AND APPEARANCE BOND**

-against-

20 - cr - 0486-002 (JS) (AYS)

Manh Ngoc Nguyen, Defendant

ADDITIONAL SURETIES

<u>Mary Nguyen</u>	Address: <u>Hicksville NY</u>	Date: <u>2/8/2021</u>
Surety	City and State, ONLY	
<u>Tom Phung and Huyen Dinh</u>	Address: <u>Chattanooga, TN</u>	Date: <u>2/8/2021</u>
Surety	City and State, ONLY	
<u>Tim Thang Pham and Thu Trang Thi</u>	Address: <u>Johns Creek, GA</u>	Date: <u>2/8/2021</u>
Surety	City and State, ONLY	
<u>Phuoc H. Tran</u>	Address: <u>Orlando, FL</u>	Date: <u>2/8/2021</u>
Surety	City and State, ONLY	
_____	Address: _____	Date: _____
Surety	City and State, ONLY	
_____	Address: _____	Date: _____
Surety	City and State, ONLY	

ADDITIONAL PROPERTIES TO BE POSTED

<u>Tom Phung and Huyen Dinh</u>	Address: <u>Chattanooga, TN</u>	Date: <u>2/8/2021</u>
Surety/Owner of Property	City and State, ONLY	
<u>Tim Thang Pham and Thu Trang Thi</u>	Address: <u>Suwanee GA</u>	Date: <u>2/8/2021</u>
Surety/Owner of Property	City and State, ONLY	
<u>Phuoc H. Tran</u>	Address: <u>Orlando, FL</u>	Date: <u>2/8/2021</u>
Surety/Owner of Property	City and State, ONLY	
_____	Address: _____	Date: _____
Surety/Owner of Property	City and State, ONLY	
_____	Address: _____	Date: _____
Surety/Owner of Property	City and State, ONLY	
_____	Address: _____	Date: _____
Surety/Owner of Property	City and State, ONLY	

Other Conditions and/or Properties:

- The above suretors have acknowledged, via the video bond application hearing, that they fully understand the conditions set forth in the attached bond, and that they understand their responsibilities to forfeit their properties if the defendant fails to comply with said conditions.